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/Brianna Dahlberg/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert E. DVORAK

Application No.: 09/766,539

Confirmation No.: 9951

Filed: 19 January 2001

Title: **MULTIPURPOSE PRESENTATION DEMAND CALENDAR FOR INTEGRATED MANAGEMENT DECISION SUPPORT**

Group Art Unit: 3623

Examiner: Beth VAN DOREN

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CORRECTIONS TO AMENDENT AFTER FINAL FILED AUGUST 3, 2007

Madam:

Applicants hereby submit the following corrections to the document filed on August 3, 2007. The following paragraphs correct the text on pages 22 and 24-25 of Applicants' response.

From page 22:

Claim 126

Claim 126, as amended, includes limitations that are reproduced below.

The Examiner's presentation is a bit difficult to follow, because first she says that Huang includes everything and then acknowledges that Huang teaches virtually none of the claimed elements. *Compare,* FOA p. 13 with p. 14. We return to this below.

Preliminarily, it is worth characterizing Huang. Huang discloses an agile supply management chain adapted to manufacturing, not retailing. Because demand for manufactured goods drives vendor managed replenishment (VMR) of distribution centers, Huang mentions stores in cols. ~~68-71~~ **71-74**. These columns do a much better job of explaining how Huang avoids using store-specific data than the Examiner-cited passages. In cols. ~~68-71~~ **71-74**, Huang teaches away from using store-specific data three times and never suggests using store-specific data. In particular, Huang says, "Note that we do not require the data ... which represents standard deviation of demands at individual stores." ~~Col. 69, lines 41-43~~ **Col. 72, lines 26-28**. In addition, "The stock-out probability is defined as the probability of shortage in at least one of the stores [not any particular store] replenished by the DC." ~~Col. 70, lines 50-52~~ **Col. 73, lines 44-46**. Similarly, "Lead-times from each Plant to each DC and (an average) from each DC to its Stores" is an input to the vendor managed replenishment contract setup. ~~Col. 71, lines 33-34~~ **Col. 74, lines 33-34**. Teaching away from using store-specific data is not surprising for this manufacturing supply chain application, as the manufacturer will have limited access to and little interest in the store level operations of retailers.

From pages 24-25:

Huang's principle of operation is to streamline the prediction of manufacturing demand, using data no more granular than customer-product tuples. *Compare* col. 109 (describing tuples) *with* cols. ~~68-71~~ **71-74** (notes that system does not require demand data from individual stores). Because Huang has no interest in planning at the store or department-within-store level and no access to such granular data, the promotion calendar is directed to ~~pricing promotions~~ **customer promotions at a customer aggregate level.** In Huang, the promotion "type" is chosen from the group "R for Retailer, P for PCEC [manufacture]; C for Competitor". Col. 127. ~~The only "Promotion Class" that is mentioned is "price reductions" (*id.*), which is not surprising for a manufacturer's system. The system is driven by forecasts from a variety of sources (col. 18, Demand Management Frame), none of which involve simulation of sales. The manufacturer has no control over distribution of goods once the manufacturer delivers~~

~~them to the customer's distribution center~~ **The "Promotion Class" described in col. 54 refers to price promotions, feature advertisements and in-store displays, on a customer aggregate basis, not a store-by-store basis. The system is driven by forecasts from a variety of sources (col. 18, Demand Management Frame), none of which involve simulation of sales at stores. The manufacturer assumes no control over or responsibility for distribution of goods after delivery to the customer's distribution center.** Accordingly, Huang looks elsewhere than **store level** simulation for data sources appropriate to agile manufacturing.

CONCLUSION

Applicants respectfully request that these changes be made of record.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (BLFR 1005-1).

Respectfully submitted,

Dated: August 7, 2007

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